UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,521	01/18/2005	Michael Trioano	104222-320-PCT	9142

24964	7590	12/27/2005

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EXAMINER
NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/521,521	TRIOANO ET AL.
Office Action Summary	Examiner	Art Unit	
	David Q. Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,21,22 and 35* is/are rejected.

7)☒ Claim(s) *15-20 and 23-34* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1-14, 21-22 and 35 rejected under 35 U.S.C. 102(e) as being anticipated by Schiff

et al. (US 2003/0074328A1).

Regarding claim 1, Schiff et al discloses a system for enabling targeted content delivery

to a mobile device user, said mobile device having a device address, said device address having

associated therewith at least one unique identifier, said system comprising a message application

server (see fig. 1, database 28); and a trigger system in communication with said message

application server (see fig. 1, the financial transaction system 16) , said trigger system

comprising a trigger client component configured to generate a trigger signal comprising a

trigger action, user content request data and said at least one unique identifier (see fig. 1, the

communication device 14 or the financial transaction system 12); a trigger server component in

communication with said trigger client component (see fig. 1, transceiver 26 or IRV 22), said

trigger server component configured to: receive said trigger signal, send to said message

application server said trigger signal for processing by said message application server (see fig. 1

and its description); wherein said message application server is configured to receive from said

trigger system said trigger signal, and in response thereto derive said mobile device address from

said at least one unique identifier, generate content based on said user request data, and send said

generated content to said device address of said mobile device (see fig. 1 and its description).

Regarding claims 2-4, Schiff et al also discloses wherein said message application server

further includes a message application database for storing transaction information comprising

said user request data and said device address (see fig. 1; its description and abstract); wherein

said trigger client component is said mobile device (see fig. 1; its description and abstract);

wherein said trigger system comprises a client application residing on said trigger client

component for generating said trigger signal; and a server application residing on said trigger

server component in communication with said client application and said message application

server, said server application for receiving and processing said trigger signal sent by said client

application (see fig. 1; its description and abstract).

Regarding claims 6-10, Schiff et al also discloses wherein said trigger client component

further comprising at least one input device (see fig. 1; its description and abstract); wherein said

at least one input device is selected from the group consisting of a magnetic card reader, bar code

reader, keyboard, keypad, touch pad, sensors, and any combination thereof (see fig. 1; its

description and abstract); wherein said sensors include a wireless sensor and a biometric sensor

(see fig. 1; its description and abstract); wherein said trigger client component is an account card

and a reader and wherein said trigger signal is generated by swiping said account card through

said reader and having said trigger system identify said unique identifier based on account card

information (see fig. 1; its description and abstract); wherein said trigger system comprises an

IVR system, said mobile device is a cellular phone, said device address is a cellular phone

number and said trigger action is a voice call; said IVR system configured to process said trigger

signal to acquire said cellular phone number of said cellular phone (see fig.1; its description and abstract).

Regarding claims 11-14, Schiff et al also discloses wherein said trigger system comprises a PSTN and a Phone Switch connected to said PSTN, said mobile device is a cellular phone, said mobile device address is a cellular phone number and said trigger action is a voice call; said trigger system configured to detect incoming call establishment requests from said PSTN and to process said trigger signal to acquire said cellular phone number of said cellular phone (see fig. 1); wherein said mobile device is a network-enabled device; wherein said mobile device is a cellular phone having a cellular phone number as said device address; wherein said device address is a calling number, a cellular phone number, an instant messaging address, an e-mail address or other addressing type (see fig.1; its description and abstract).

Regarding claims 21-22, Schiff et al also discloses the system further comprising at least one communications network wherein said trigger system communicates with said message application server via said at least one communications network and wherein said trigger client device system communicates with said trigger server device via said at least one communications network (see fig.1 and its description); wherein said generated content comprises a message, a coupon, an offer or a promotion (see fig.1; its description and abstract).

Regarding claim 35, Schiff et al also discloses the system comprising a mobile network in communication with said mobile device and wherein said message application server sends said generated content to said device address via said mobile network (see fig.1; its description and abstract).

Allowable Subject Matter

2.   Claims 15-20, and 23-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 15, Schiff et al discloses all limitations of independent claim 1 (see explanation above). Schiff et al fails to disclose the system comprising an offer application component; an offer entry system in communication with said offer application component, and an offer database in communication with said offer application component for storing said generated content and said user request data, wherein said offer entry system is configured to redeem said generated content, generate content redemption information comprising said redeemed content, and send said content redemption information to said offer application component for storage in said offer database, as specified in claim 15.

Claims 16-20 and 23-34 depend on claim 15. Therefore, they are objected.

Conclusion

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Nguyen
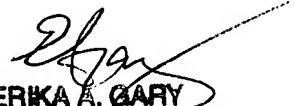
ERIKA A. GARY
PRIMARY EXAMINER